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8 UNITED STATES  
9 ENVIRONMENTAL PROTECTION AGENCY  
10 REGION 9

10 In the Matter of ) ORDER  
11 )  
12 FRANK J. STANKOVICH, SR.; ) Docket No. 84-09  
13 DENISE HEDRICK )  
14 Respondents. )  
15 )  
16 Proceeding Under Section )  
106(a) of the Comprehensive )  
15 Environmental Response, )  
Compensation and Liability Act )  
16 of 1980 (42 U.S.C. §9606(a)) )

17  
18 I.

19 JURISDICTION

20 The following Order is issued on this date to the Respondents  
21 pursuant to the authority vested in the President of the United  
22 States by §106(a) of the Comprehensive Environmental Response,  
23 Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601  
24 et seq., delegated to the Administrator of the United States  
25 Environmental Protection Agency (EPA) by Executive Order Number  
26 12316 (August 20, 1981, 46 FR 42237), and redelegated to the  
27 Regional Administrator, EPA, Region 9. Notice of the issuance  
28 of this Order has been given to the State of California.

II

FINDINGS OF FACT

1. Denise Hedrick ("Respondent Hedrick") is lessee of property located at 12601 Bloomfield Ave., Santa Fe Springs, California ("facility"). The facility is approximately .33 acres in area. The ground surface is paved within the facility. A chain-link fence extends around the perimeter of the facility. Immediately adjacent to the facility is a gasoline station. Within 1,000 feet of the facility is a motel and a restaurant.
2. Frank Stankovich Sr. ("Respondent Stankovich") is the operator of the facility located at 12601 Bloomfield Ave., Santa Fe Springs, California, as acknowledged verbally by Respondent Stankovich to EPA inspectors on May 25, 1984.
3. Prior to the inspection of this facility, Respondent Stankovich operated the General Disposal Company facility in Santa Fe Springs, California. On July 10, 1981, a chemical fire and explosion destroyed approximately 12,000 of the 18,000 drums stored at the one-acre site. The drums contained paint components, industrial solvents, and pesticides, including some 25 hazardous substances.
4. Respondents have engaged in the storage of hazardous wastes as defined by the Resource Conservation and Recovery Act (RCRA). Respondents have not notified EPA of this activity pursuant to §3010(a) of RCRA and failed to submit Part A of the RCRA permit application by November 19, 1980, as required by §3005 of RCRA. As such, the facility has not achieved interim status as defined by §3005(e) of RCRA and is operating

1 in violation of RCRA.

2 5. The facility is a facility as defined by CERCLA §101(9), 42  
3 U.S.C. 9601(9).

4 6. On May 25, 1984, Chris Vais and Bill Lewis of the EPA Emergency  
5 Response Section inspected the facility. They made the  
6 following observations:

7 A. About 300 fifty-five gallon drums are stored on the  
8 ground and on flatbed trucks. About 60% of the drums  
9 are empty or contain solids. The remaining 40% contain  
10 liquids classified as paint, paint wastes and waste oil.  
11 The drums are heavily rusted and densely packed, presenting  
12 the threat of release of the hazardous substances listed  
13 below.

14 B. 300 five gallon pails suspected of containing paint  
15 are heavily corroded and in seriously deteriorated  
16 condition.

17 C. Two 2500 gallon vacuum trucks, approximately 60-80%  
18 full, are parked at the facility. One truck is filled  
19 with white paint sludge, the other contains waste oil.

20 D. One 2500 gallon tank about 20% full of unknown sludges  
21 is located at the facility.

22 E. 19 samples were collected from drums and the vacuum  
23 trucks containing liquids. The flammability of each  
24 sample was assessed on site. Five of the samples were  
25 found to be highly flammable. The headspace gas was  
26 analyzed for volatile organic compounds. Of the 19  
27 samples analyzed, the following organic compounds were  
28 found in the concentrations noted:

1	n-butyl mercaptan	130 ppm
2	benzene	480 ppm
3	p-xylene	490 ppm
4	1,1,1-trichlorethane	250 ppm
5	acetone	2,300 ppm
6	methyl ethyl ketone	20,300 ppm
7	ethyl acetate	825 ppm
8	toluene	1,200 ppm
9	1,1,1-trichloroethylene	250 ppm
10	methanol	260 ppm
11	tetrahydrofuran	930 ppm
12	chloroform	430 ppm
13	n-butanol	1,720 ppm

14        These organic compounds are "hazardous substances" as  
15        defined under 101(14) of CERCLA.

- 16    7. Current storage conditions violate the requirements of 40  
17        CFR 265.175 in that there must be 50 feet of clearance between  
18        the storage of containers of hazardous wastes and the  
19        property boundary.
- 20    8. A threat to human health and the environment exists in  
21        the event of a fire and explosion at the facility, in that:
- 22        A. The emission of toxic by-products of combustion is  
23            highly likely as a result of a fire or explosion.
- 24        B. Debris propelled from the facility due to fire or an  
25            explosion would increase the likelihood of direct contact  
26            with the public.
- 27        C. Large volumes of contaminated runoff can be expected to  
28            escape from the facility during fire-fighting activities.

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III

DETERMINATION

Based upon the foregoing Findings of Fact, the Regional Administrator has determined that hazardous substances are stored at the facility and that the release and threat of release of such substances from the facility may present an imminent and substantial endangerment to the public health or welfare or the environment. The initiation of immediate removal action will prevent or mitigate immediate and significant risk of harm to human life or health or the environment.

The Regional Administrator has further determined that Respondents are responsible for conducting the actions ordered herein, which are necessary to abate the endangerment to public health and the environment.

IV

ORDER

Based upon the foregoing Determination and Findings of Fact, Respondents are hereby ordered and directed, pursuant to §106(a) of CERCLA, 42 U.S.C. §9606 et seq., to (I) prepare and submit to EPA for approval a written proposal ("Proposal") for the removal and disposal of all hazardous substances in the facility and (II) implement the Proposal after receiving EPA approval of same. The Proposal shall include the following:

1. A plan to remove all hazardous substances from the facility.
2. A plan for the sampling and analysis of hazardous substances to satisfy any requirements for transporting or disposing of same from the facility. The plan shall

1 include provisions for the legal transport to and  
2 disposal of all hazardous substances in an authorized  
3 hazardous waste disposal facility in accordance with  
4 all Federal, State, and local regulations.

5 3. A site safety plan.

6 4. A plan for taking representative samples of hazardous  
7 substances at the facility to be provided to EPA. The  
8 location, number and types of samples and analyses to be  
9 taken will be specified by EPA.

10 5. All samples shall be collected, preserved, packaged,  
11 shipped, handled, and prepared for analysis according  
12 to the protocols specified by the EPA On-Scene Coordi-  
13 nator. All sample handling shall be performed according  
14 to the chain of custody procedures described in Appendix  
15 A of this Order. Any samples analyzed pursuant to this  
16 Order shall be analyzed according to EPA-approved  
17 analytical methods.

18 6. A schedule for the implementation of the Proposal.

19 The schedule shall provide for total clean-up of the  
20 facility within 14 days of approval of the Proposal.

21 Respondents shall submit the Proposal and provide for receipt  
22 of same by the EPA at the address listed below by 12 noon on  
23 Thursday, June 7, 1984. The Proposal shall be submitted to the  
24 contact person named in the Order.

25 Respondents shall assume full responsibility for any  
26 claims arising from the activities conducted by Respondents  
27 or their representatives or consultants in connection with  
28 this Order. Respondents shall provide access to the site for

1 EPA employees, contractors, or consultants at all reasonable  
2 times and shall permit such persons to be present and move  
3 freely in the area where any work is being conducted pursuant  
4 to this Order.

5 EPA shall designate an On-Scene Coordinator (OSC) who  
6 shall have the authority vested by 40 CFR §300 et seq., published  
7 at 47 FR Part 31180 (July 16, 1982).

8 V

9 OPPORTUNITY TO CONFER--EFFECTIVE DATE

10 Under the provisions of CERCLA, Respondents may request  
11 a conference to be held at any time before submittal of the  
12 Proposal to discuss the Order, its applicability, the correctness  
13 of any factual determinations upon which the Order is based, the  
14 appropriateness of any action which Respondents are ordered to  
15 take, and any other relevant or material issue. Such request may  
16 be made orally, but must be confirmed in writing. At any  
17 conference held pursuant to Respondent(s) request, Respondents  
18 may appear in person, with counsel or other representatives  
19 for the purpose of presenting any objections, defenses or  
20 contentions which Respondents may have regarding this Order.

21 This Order is effective immediately upon receipt of same  
22 by Respondents.

23 VI

24 LIABILITY

25 If the OSC determines that Respondents are not complying  
26 with the terms of this Order, or that Respondents are not  
27 proceeding with work in a timely manner, or that Respondents  
28 activities pose an imminent and substantial endangerment to

1 the public health or welfare or the environment, the OSC may  
2 halt Respondents activities and initiate a federal cleanup  
3 of the facility. Respondents may then be ordered to reimburse  
4 EPA for the costs of such activity pursuant to §107(c) of CERCLA.

5 You are advised that willful violation or failure or  
6 refusal to comply with this Order, or any portion hereof, may  
7 subject you to civil penalty of not more than \$5,000.00 for  
8 each day in which violation occurs or such failure to comply  
9 continues in accordance with §106(b) of CERCLA. Failure to  
10 comply with this Order, or any portion hereof, without suffi-  
11 cient cause, may also subject you to liability for punitive  
12 damages in the amount of three times the total of all costs  
13 incurred by the government as a result of your failure to take  
14 proper action in accordance with §107(c) of CERCLA.

15 It is so ordered on this 4 day of June, 1984.

16 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

17  
18 BY: John Wise

19 for JUDITH E. AYRES  
20 REGIONAL ADMINISTRATOR, REGION 9

21 Contact person:  
22 Eric N. Koglin (T-4-2)  
23 Environmental Protection Agency  
24 215 Fremont Street  
25 San Francisco, California 94105  
26 Telephone: (415) 974-8919

27 After hours call the Duty Officer:  
28 (415) 974-8131